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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,729	12/04/2001	Rupert Gall	A34822 - 071308.0263	1328

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06/13/2005

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EXAMINER

DINH, NGOC V

ART UNIT

PAPER NUMBER

2189

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/006,729	Applicant(s) GALL ET AL.	
	Examiner NGOC V. DINH	Art Unit 2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7-21-04</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

FINAL REJECTION

1. This Office Action is responsive to Amendment filed 03/29/2005 in which claims 1 is amended. Claims 2-3 and 6 are canceled.

Applicant's arguments filed 03/29/2005 have been considered by the Examiner and are deemed persuasive. Accordingly, the rejection of claims 1, 5-7 based on Gertner et al and claim 4 based on Gertner- Shapiro et al in the office letter dated 01/06/05 is respectfully withdrawn and the following rejection based on Gertner et al and Cheston et al is applicable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-5, 7 are rejected under 35 U.S.C 103(a) as being unpatentable over Gertner et al PN 6049775, and in view of Cheston et al PN 6167494.

Per claim 1:

Gertner teaches:

an automation system [mail processing devices, abstract; fig. 1] comprising: an industrial technical installation [fig. 5]; an input and output unit coupled to the industrial technical installation; a bus coupled to the input and output unit [fig. 1, the personal computer 12 communicates with site A and site B through either backbone bus LAN or WAN by TCP/IP network; col. 13, line 56 to col. 14, line 14];

Gertner does not teach a personal computer comprising a physical hard drive unit partitioned into logical drive units comprising a work drive unit and a back-up drive unit, wherein work programs for the industrial technical installation and

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work data for the industrial technical installation are stored in the work drive unit, and further wherein a back-up copy of at least part of the work programs and work data are stored by means of a back-up program in the back-up drive unit, so that said part of the work programs and work data can be easily restored, wherein the work programs comprise system programs including the back-up program and application programs, and the work data comprise system data assigned to system programs and application data assigned to application programs.

Cheston teaches a physical storage is partitioned into logical drive units [partitioning the non-volatile storage device into a plurality of partitions, col. 2, lines 43-45] comprising a work drive unit [first partition, col. 2, lines 45-53; 202, fig. 2; col. 4, line 1 to col. 5, line 10] and a back-up drive unit [second partition, col. 2, lines 45-53; 201, fig. 2; col. 4, line 1 to col. 5, line 10], wherein work programs and work data are stored in the work drive unit [abstract; col. 1, lines 24-35; col. 2, lines 54-67; col. 5, lines 1-28; col. 6, lines 29-46; col. 6, claims 2-6], and further wherein a back-up copy of at least part of the work programs and work data are stored by means of a back-up program in the back-up drive unit [abstract; col. 1, lines 24-35; col. 2, lines 54-67; col. 5, lines 1-28; col. 6, lines 29-46; col. 6, claims 2-6], so that said part of the work programs and work data can be easily restored [col. 2, lines 40-59], wherein the work programs comprise system programs including the back-up program and application programs, and the work data comprise system data assigned to system programs and application data assigned to application programs [col. 4, line 66 to col. 5, line 28; col. 6, lines 29-65].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Cheston as mentioned above into Gertner computer system in order to provide an efficient method of "recovering from operating system (OS) corruption which did not rely on the operating system

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functioning sufficiently to perform restoration” [col. 2, lines 35-38], and furthermore, “in the event of failure of the OS due to the end user altering the device driver, the end user still can invoke the restoration routine at a level below the OS” in order to boot the computer successfully [col. 2, lines 54-60].

The ease in restoring data and most important the operating system from the second logical backup partition upon an operating system failure [Cheston, abstract; col. 2, lines 54-65; col. 6, lines 40-46] provides sufficient suggestion and motivation to one having ordinary skill in the art to be such logical adding the teachings of Cheston into Gertner system.

Per claim 4:

Gertner teaches the claimed limitations as mentioned above.

Gertner does not explicitly teach the work drive unit has a system drive unit and application drive unit, and the system programs and the system data are stored in the system drive unit, and the application programs and the application data are stored in the application drive unit.

Cheston teaches the work drive unit has a system drive unit and application drive unit, and the system programs and the system data are stored in the system drive unit, and the application programs and the application data are stored in the application drive unit [e.g., partitioning said non-volatile storage device into a first partition that stores application data and operating system data within at least one sector, wherein said operating system data includes filing level instructions for managing said application data and operating system data within said first partition; partitioning said non-volatile storage device into a second partition that is transparent to said filing level instructions, wherein said second partition includes at least one sector corresponding to each of said at least one sector included within said first partition; and writing said application data and operating system data within said first partition to said second partition on a sector-by-sector basis, such that upon an operating system failure, said application data and said operating system data may be restored from said second partition to said first

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partition without utilizing said filing level instructions, col. 6, lines 29-45; col. 5, lines 1-25; col. 6, lines 29-55].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to partition memory unit into plurality of disk drives, as taught by Cheston into Gertner' system, into: two, three, four disk drives and even greater numbers, limited only by the addressing capabilities of the system architecture and the resident operating system, then store the system programs and application programs in separate disk drives in order to ease the system management. Further more, partitioning memory unit into plurality of disk drives and store different programs in different drives is well-known in the art. By placing system programs and application programs in its own separate partition, sufficient physical memory can be allocated to that program code's memory space to provide for any foreseeable memory size increases due to program upgrades.

Per claim 5:

Gertner teaches the claimed limitations as mentioned above.

Gertner does not explicitly teach the system drive unit has a main system drive unit and auxiliary system drive unit [first, second partition; 201,202, fig. 2], and further wherein an auxiliary operating system, its system data and backup program are stored in the auxiliary drive unit, and a main operating system and its system data are stored in the main system drive unit col. 5, lines 1-15; col. 6, lines 29-45].

Cheston teaches the system drive unit has a main system drive unit and auxiliary system drive unit , and further wherein an auxiliary operating system, its system data and backup program are stored in the auxiliary drive unit, and a main operating system and its system data are stored in the main system drive unit.

The motivation for including the teaching of Cheston into Gertner's computer system is already provided in claim 1 above.

Per claim 7:

Gertner teaches the claimed limitations as mentioned above.

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Gertner does not explicitly teach the backup drive unit is able to store at least two backup copies.

Cheston teaches the backup drive unit is able to store at least two backup copies [col. 5, lines 1-15; col. 6, lines 29-45]

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Cheston into Gertner's computer system in order to store more than one backup copy in the system as long as the storage capacity of the system allows to do so.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc Dinh whose telephone number is (571) 272-4191. The examiner can normally be reached on Monday-Friday 8:30 AM-5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald A. Sparks, can be reached on (703) 308-1756. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

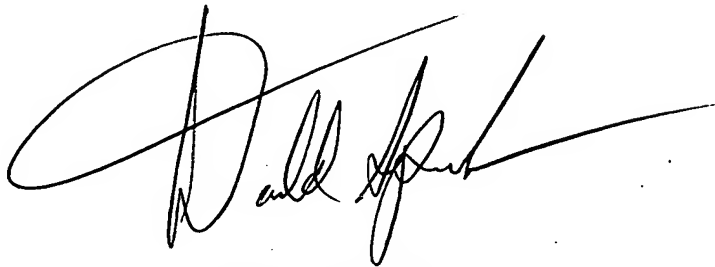


NGOC DINH

Patent Examiner

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June 3, 2005



DONALD SPARKS
SUPERVISORY PATENT EXAMINER